

# Chapter 25

## GENERAL PROVISIONS AND PERFORMANCE STANDARDS

### 25.01 GENERAL PROVISIONS:

- A. No buildings shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which do not comply with all of the district regulations established by this Resolution for the District in which the building or land is located.
- B. Every building hereafter erected or structurally altered shall be located on a lot as herein defined.
- C. Uses which are not specifically permitted are prohibited.
- D. In any Residence District placing a trailer shall be prohibited, except that one (1) trailer may be parked or stored in a garage or other accessory building, provided that no occupancy for human habitation be maintained or business conducted therein while such trailer is so parked or stored.
- E. In any Resort District, the wheels or any similar transporting device of any trailer shall not be removed nor shall such trailer be otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground by any person, firm or corporation in any manner.
- F. Except as authorized by Section 519.21 of the Ohio Revised Code, nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure.
- G. Nothing contained in this Resolution or amendments thereto shall require any change, in the plans, construction, size, or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of this Resolution or amendments thereto; provided, however, construction under such permit shall have been started within six (6) months and the ground story framework including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this resolution.

## **25.02 YARD SALES AND GARAGE SALES**

Yard sales, garage sales and any other type of personal property sales in any Agriculture, Residential or P.U.D. District are permitted but limited to the sale of used personal property of the occupants of the premises, and shall be restricted to a duration of three (3) consecutive days with no more than four (4) such sales conducted by any household in any single calendar year. The length of time of display of property shall be for the duration of the sale only. A Zoning Permit obtained from the Zoning Inspector is required for each sale conducted under the provisions of this Section. Permit includes the right to erect sign(s) in accordance with Chapter 24, Section 24.08, with no additional fee. Zoning permit number shall be displayed at the site of the sale.

## **25.03 NON-CONFORMING USES**

In conformance with Section 519.19 of the Ohio Revised Code, the lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with such resolution or amendment, but if any such use is voluntarily discontinued for two years or more, any future use of said land shall be in conformity with this Zoning Resolution and Sections 519.01 et seq inclusive of the Ohio Revised Code.

Property Owners may complete construction of a lawful non- conforming use as set forth in 25.01 (G).

In the event of natural disasters such as storms and fire non-conforming uses may be restored and/or reconstructed provided restoration and/or reconstruction commences within six (6) months and is complete within one year.

Non-conforming uses may be extended and/or substituted provided the extension and/or substitution will not adversely impact upon adjacent properties; complies with all existing set- back and height restriction provisions of the district in which the property is located; is compatible with and of the same general character as the non-conforming use and does not violate the spirit of this resolution. To extend or substitute a non-conforming use the property owner must file an application with the Board of Zoning Appeals and demonstrate to the Board of Zoning Appeals compliance with this section.

## **25.04 COMPLIANCE WITH REGULATIONS**

Except as hereinafter provided:

- A. No land shall be used except for a purpose permitted in the district in which it is located. If a use is not specifically permitted it is prohibited.
- B. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located. If a use is not specifically permitted it is prohibited.
- C. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.
- D. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
- E. The minimum yards, parking space, open spaces, including lot area per family, required by this Resolution, for each and every building existing at the time of passage of this Resolution, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this Resolution for the District in which the lot is located.
- F. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) Lot.

#### **25.05 CONVERSION OF DWELLINGS**

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces.

#### **25.06 TRAFFIC VISIBILITY ACROSS CORNER LOTS**

In any Residence District on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the "corner" at a height of more than three (3) feet above the curb or street grade, or to as to interfere with traffic visibility across the corner.

#### **25.07 PENDING APPLICATION FOR BUILDING PERMITS**

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development- building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of his Resolution or amendments thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution or amendments thereto and completion thereof carried on in a normal manner with the subsequent six (6) months period and not discontinued until completion, except for reasons beyond the builder's control.

## **25.08 SIDEWALKS**

- a. Sidewalks shall be required on both sides of the street for all single family lots platted in an A, R-1, R-2, R-3, R-4, and R-PUD residential zoning district except for large lot developments (2 acre lots or greater) as defined in the Clermont County Subdivision Regulations unless the subdivision offers neighborhood amenities such as a swimming pool, tennis court or clubhouse.
- b. Sidewalks shall be required within all multi-family residential developments. The sidewalk system shall provide a pedestrian connection between all buildings within the development and between the buildings and any amenities.
- c. In any case where a platted subdivision or multi-family development abuts a collector or arterial street, sidewalks shall be provided along the collector or arterial for the entire distance the property abuts said street.
- d. Alternative pedestrian pathways will be considered for any Planned Unit Development provided all lots and/or buildings within the PUD have access to the pathway system. Such alternatives shall be presented during the site plan review process and must be approved by the Board of Trustees.

***Latest Version as of 5-31-02***

***The Miami Township Zoning Resolution has been placed on the web for your convenience. This is not the official Zoning Resolution. You may obtain a copy of the official Zoning Resolution by contacting the Community Development Department at 248-3725 or 248-3731. If there is a discrepancy between the official Zoning Resolution and what appears on this web site the official Zoning Resolution will control.***